

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SIDNEY NAIMAN, et al.,

Plaintiffs,

v.

TOTAL MERCHANT SERVICES, INC.,  
et al.,

Defendants.

Case No. 17-cv-03806-CW

ORDER GRANTING MOTION TO  
STRIKE

(Dkt. No. 49)

United States District Court  
Northern District of California

On December 19, 2017, Defendants Quality Merchant Services, Inc. and Michael Alimento filed an answer to the Second Amended Complaint (2AC). Alimento signed the answer on behalf of himself individually and on behalf of Quality Merchant Services as Vice President of the company.

On December 20, 2017, Plaintiffs Timothy Collins and Sidney Naiman moved to strike the answer filed by Quality Merchant Services because a "corporation, unincorporated association, partnership or other such entity may appear only through a member of the bar of this Court." Civil L.R. 3-9(b); see also U.S. Commodity Futures Trading Comm'n v. Castillo, No. 06-cv-02540 TEH, 2007 WL 2088372, at \*1 (N.D. Cal. July 19, 2007) ("Non-attorneys, including a corporation's president and sole shareholder, are barred from representing a corporation.").

Any opposition to the motion to strike was due on January 3, 2018. See Civil L.R. 7-3(a). Neither Quality Merchant Services nor any other party responded to the motion. Also, there is no indication in the record that Alimento is an attorney.

1           Upon review of the record and the relevant authority, the  
2 Court GRANTS Plaintiffs' motion to strike (Docket No. 49) and  
3 hereby STRIKES the answer of Quality Merchant Services, Inc.  
4 (Docket No. 48). The Court does not, however, strike the answer  
5 of Michael Alimento (also Docket No. 48), which remains  
6 operative.

7           Quality Merchant Services must file an answer through  
8 counsel within fourteen days after the date of this order. If  
9 Quality Merchant Services fails to do so, Plaintiffs shall  
10 promptly file a request for the Clerk to enter its default. See  
11 Fed. R. Civ. P. 55(a).

12           All deadlines set previously remain in effect.

13           IT IS SO ORDERED.

14  
15 Dated: January 4, 2018



16           CLAUDIA WILKEN  
17           United States District Judge  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28